

## **REMARKS**

Claims 1-33 and 62-80 are now pending in the application. Claims 16-33 are withdrawn from consideration. Claims 34-37 and 62-65 are allowed. Claims 1-9, 11-15, 66-68, and 71-80 stand rejected. Claims 10, 69, and 70 stand objected to. Claims 1, 2, 5, 8, 11, 66-68, 71-73, and 75-78 are amended herein. Claims 81 and 82 are added herein. Support for the amendment to claim 1 and new claim 82 can be found at least in paragraph [0053] of the instant application. Claims 4, 32, and 33 are cancelled herein. No new matter is added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-9, 66-68, and 71-73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Parkhideh (U.S. Pat. No. 5,761,886: figures 6-13; column 2; column 3, lines 27-53; column 4, lines 12-20 and 47-59; column 7, lines 50-62; column 8, lines 41-49; column 8, line 65 to column 10, line 67) taken together with Motion Control Selection Guide (Rockwell Automation pamphlet). This rejection is respectfully traversed.

Claim 1 is nonobvious and patentable because neither the Parkhideh reference nor the Rockwell patent, either singularly or in combination, teach, suggest, or provide motivation to have a control device that is a programmable controller that uses movement relationships between the fill mechanism and the pair of dies with a programmed reference and operates the fill mechanism and the dies based on the relationships as called for in claim 1. Specifically, claim 1 calls for "wherein said control

device is a programmable controller that uses a first movement relationship between said fill mechanism and a programmed reference, uses a second movement relationship between said dies and said programmed reference, and controls operation of said fill mechanism and said dies based on said first and second movement relationships to said programmed reference.” It should be appreciated that the first and second movement relationships may or may not be the same.

In contrast to the subject matter of claim 1, the Parkhideh reference discloses that the controller for one of the dies provides the various start signals for the pump/control motor-drive 100 (fill mechanism) by reading the output of a feedback device 93 and generating and sending start signals at the appropriate intervals as set up by operator interface terminal 101 at setup time. See at least column 4, lines 26-32 of the Parkhideh reference. Thus, in the Parkhideh reference the controller for one of the dies provides the start signals that are used for the fill mechanism. The Parkhideh reference, however, does not disclose, teach, or suggest using a first movement relationship between the fill mechanism and a programmed reference, using a second movement relationship between the dies and the programmed reference, and controlling the operation of the fill mechanism and the dies based on the first and second movement relationships to the programmed reference as called for in claim 1. For at least this reason, it is respectfully submitted that the Parkhideh reference does not provide any teaching, suggestion, or motivation to arrive at the subject matter of claim 1.

The Rockwell pamphlet also does not provide any teaching, suggestion, or motivation to one skilled in the art to arrive at the subject matter of claim 1. In particular,

the Rockwell pamphlet is completely unconcerned with a soft gel encapsulation machine and, as such, does not disclose establishing any type of relationships between a fill mechanism and a reference or a pair of dies and a reference as called for in claim 1. Thus, it is respectfully submitted that the Rockwell pamphlet does not provide any teaching, suggestion, or motivation to arrive at the subject matter of claim 1.

Accordingly, it is respectfully submitted that neither the Parkhideh reference nor the Rockwell pamphlet, either singularly or in combination, provide any teaching, suggestion, or motivation to arrive at the subject matter of claim 1. For at least this reason, it is respectfully submitted that claim 1 is nonobvious and patentable over the prior art of record. Claims 2-3, 5, and 66-68 all depend from claim 1 and, therefore, for at least the same reasons stated above with reference to claim 1 are also patentable over the prior art of record. Thus, withdrawal of the instant rejection is requested.

Claim 6 is nonobvious and patentable over the prior art of record because neither the Parkhideh reference nor the Rockwell pamphlet, either singularly or in combination, teach, suggest, or provide motivation to one skilled in the art to have first and second dies that are mechanically linked together with one of the dies being driven by a servomotor as called for in claim 6. Specifically, claim 6 calls for "at least first and second dies, said first die being driven by a servomotor and said second die being mechanically linked to said first die with movement of said first die causing movement of said second die; a second servomotor operable to mechanically independently drive said first die."

In contrast to the subject matter called for in claim 6, the Parkhideh reference specifically teaches and discloses that the dies are most preferably relatively

independently movable while the dies are rotating and that each die is driven by an independently controlled die motor. The dies are not mechanically linked together. See at least column 3, lines 34-37 and Figure 13 of the Parkhideh reference. Thus, the Parkhideh reference specifically teaches the use of two separate and independent drives to independently and individually control the rotation of the dies and teaches away from a mechanical link slaving one die to the other. This is in direct contrast to the subject matter of claim 6 wherein one of the dies is slaved to the other by being mechanically linked thereto. Additionally, the use of a single servomotor to drive one of the dies while the other die is mechanically linked thereto is advantageous in that it eliminates the need for another costly servomotor to drive the other die and also eliminates the potential for nonsynchronized operation due to programming or operator errors. See at least paragraph [0039] of the instant application. Thus, it is respectfully submitted that the Parkhideh reference does not provide any teaching, suggestion, or motivation to arrive at the subject matter of claim 6 and, in fact, teaches away from the subject matter of claim 6. As such, one skilled in the art when looking at the Parkhideh reference would not be motivated to arrive at the subject matter of claim 6.

Furthermore, the Rockwell pamphlet is completely unconcerned with a capsule machine and, as such, does not provide any teaching, suggestion, or motivation regarding mechanical linking or nonlinking of dies. Thus, it is respectfully submitted the Rockwell pamphlet does not provide any teaching, suggestion, or motivation to one skilled in the art to arrive at the subject matter of claim 6.

Thus, it is respectfully submitted that neither the Parkhideh reference nor Rockwell pamphlet, either singularly or in combination, teach, suggest, or provide

motivation to one skilled in the art to arrive at the subject matter called for in claim 6. Accordingly, it is respectfully submitted that claim 6 is nonobvious and patentable over the prior art of record. Claims 7-9 and 71-73 all depend from claim 6 and, therefore, for at least the same reasons stated above with reference to claim 6 are also nonobvious and patentable over the prior art of record. Thus, withdrawal of the instant rejection is requested.

Claims 11-15 and 74-80 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Parkhideh taken together with the Rockwell pamphlet and Harris (U.S. Pat. No. 3,674,397: figures 1-5 and column 4, lines 41-59). This rejection is respectfully traversed.

Claim 11 is nonobvious and patentable over the prior art of record because neither the Parkhideh reference, the Rockwell pamphlet, nor the Harris reference, either singularly or in combination, teach, suggest, or provide motivation to one skilled in the art to have a capsule machine include a pressure device operable to apply pressure between said dies independently of operation of the fill mechanism and have a controller operable to control the dies and the pressure device as called for in claim 11. Specifically, claim 11 calls for “a fill mechanism operable to deliver a fill material . . . a pressure device operable to apply pressure between said dies independently of operation of said fill mechanism; and a controller operable to control said dies and said pressure device.”

In contrast to the subject matter of claim 11, the Parkhideh reference discloses a pressure adjusting mechanism 23 that is used to adjust the pressure between the die rollers. See at least column 6, lines 33-34 and Figure 7 of the Parkhideh reference.

Controller 23 appears to be a manually operated controller. Thus, the Parkhideh reference appears to teach and suggest the use of a manual controller to adjust the die pressure. The Parkhideh reference, however, does not teach or suggest a controller operable to control the pressure device much less a controller that is operable to control the pressure device and the dies as called for in claim 11. Thus, it is respectfully submitted that the Parkhideh reference does not teach, suggest, or provide motivation to have a pressure device operable to apply pressure between the dies independently of operation of the fill mechanism and a controller operable to control the dies and the pressure device as called for in claim 11.

The Harris reference also does not teach, suggest, or provide motivation to one skilled in the art to arrive at the subject matter of claim 11. Rather, the Harris reference specifically discloses and teaches a desire to have a uniform thickness for forming briquettes which can be achieved by having a constant spacing between the dies/rolls. The dies/rolls are spring biased to a desired orientation and allow lateral movement when a pressure between the dies/rolls exceeds the biasing force of the springs. The Harris reference further teaches that the variations in pressure are a function of changes in the density of the feed material being supplied to the dies/rolls and, as a result, are a function of the rate of material feed provided by feed screw 14. To this end, the Harris reference discloses numerous ways to ascertain a change in the pressure between the dies/rolls and compensates for the changing pressure by adjusting the hydraulic pump that drives feed screw 14. See at least column 2, lines 14-46, 64-67; column 3, lines 33-39, 59-64; column 4, lines 5-9, 35-40; and Figures 1-5 of the Harris reference. Thus, one skilled in the art when looking at the teachings of the

Harris reference is taught and motivated to change the feed rate of the fill material being supplied to the dies/rolls to compensate for or adjust the pressure between the dies/rolls. The feed mechanism, however, is the fill mechanism and, thus, the Harris reference does not disclose controlling a pressure device that is operable to apply pressure between the dies independently of operation of the fill mechanism as called for in claim 11. Thus, the Harris reference does not teach, disclose, or suggest a pressure device operable to apply pressure between the dies independently of operation of the fill mechanism and a controller operable to control the pressure device as called for in claim 11. Accordingly, it is respectfully submitted that the Harris reference does not provide any teaching, suggestion, or motivation to one skilled in the art to arrive at the subject matter of claim 11.

The Rockwell pamphlet is completely unconcerned with a capsule machine and, thus, does not provide any teaching, suggestion, or motivation for a pressure device or a controller as called for in claim 11.

Accordingly, it is respectfully submitted that neither the Parkhideh reference, the Harris reference, or the Rockwell pamphlet, either singularly or in combination, teach, disclose, or provide motivation to one skilled in the art to arrive at the subject matter of claim 11. Thus, it is respectfully submitted that claim 11 is nonobvious and patentable over the prior art of record. Claims 12-15 and 74-80 all depend from claim 11 and, therefore, for at least the same reasons stated above with reference to claim 11 are also nonobvious and patentable over the prior art of record and withdrawal of the instant rejection is requested.

Furthermore, claim 14 calls for “a display device and said pressure being monitored by said controller is displayed on said display device.” It is respectfully submitted that none of the prior art of record either individually or in combination teach, suggest, or disclose the pressure between the dies being displayed on a display device as called for. Accordingly, it is respectfully submitted that claim 14 is further nonobvious and patentable over the prior art of record. If the Examiner wishes to maintain rejection of claim 14, the Examiner is respectfully requested to specifically point out where such a teaching is provided in the prior art of record. Absence such a teaching, allowance of claim 14 is requested.

#### **CLAIM OBJECTIONS**

Claims 8, 66-68, 71-73, and 75-78 stand objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. These objections are respectfully traversed. Notwithstanding, claims 8, 66-68, 71-73, and 75-78 are amended herein. It is believed that with the amendment to these claims, the instant objections are now rendered moot. Accordingly, withdrawal of the instant objections is requested.

#### **ALLOWABLE SUBJECT MATTER**



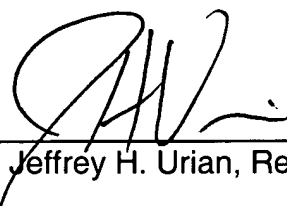
The Examiner states that claims 34-37 and 62-65 are allowed. The Examiner also states that claims 10, 69, and 70 would be allowable if rewritten in independent form. The Examiner is thanked for indicating the allowability of these claims.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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